

CV 14

1659

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JEAN-GEVER LORMESTIL,

Plaintiff,

-against-

JOSE ALBINO and JB HUNT TRANSPORT, INC.,

Defendants.
-----X

NOTICE OF REMOVAL

FILED
CLERK
2014 MAR 12 PM 4:51
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

TOWNES, J

TRACK NO

The defendants JOSE ALBINO and J.B. HUNT TRANSPORT, INC. s/h/a JB HUNT TRANSPORT, INC. remove this action from the Supreme Court, Kings County to the United States District Court for the Eastern District of New York.

1. The plaintiff commenced this action against JOSE ALBINO and J.B. HUNT TRANSPORT, INC. s/h/a JB HUNT TRANSPORT, INC. in the Supreme Court of the State of New York, Kings County. A copy of the complaint is attached as **Exhibit A**.

2. The plaintiff is a citizen of the State of New York and was a citizen of the State of New York when this action was started in state court.

3. The defendants are citizens of a state other than the State of New York and were citizens of a state other than the State of New York when this action was started in state court.

a) Jose Albino was and still is a resident of the State of Connecticut.

b) J.B. Hunt Transport, Inc. is (and was) a corporation incorporated in the State of Georgia with its principal place of business in Lowell, Arkansas.

4. The plaintiff seeks damages of more than \$75,000 and sought damages of more than \$75,000 when this action was started in state court.

5. This court has subject-matter jurisdiction over this action under section 1332(a)(1) of the Judicial Code, 28 U.S.C. § 1332(a)(1), because this action—both now and when it

was started—is between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

6. The defendants may, under section 1441(a) of the Judicial Code, 28 U.S.C. § 1441(a), remove this action to this court because this is a civil action of which the District Courts of the United States have original jurisdiction that is brought in a state court.

7. All defendants join in the removal of this action to this Court.

Dated: New York, New York
March 12, 2014



Robert A. Fitch. (RF2198)
RAWLE & HENDERSON, LLP
Attorneys for Defendants
JOSE ALBINO and J.B. HUNT TRANSPORT, INC.
s/h/a JB HUNT TRANSPORT, INC.
14 Wall Street, 27th Floor
New York, New York 10005-2101
(212) 323-7070
Our File No.: 803282

To: THE LAW OFFICE OF DAVID A. HOINES, P.C.
Attorneys for Plaintiff
32 Court Street, Suite 303
Brooklyn, New York 11201
(718) 222-1630

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY KINGS

Index No.: 3345/2014

-----X
JEAN-GEVER LORMESTIL,

SUMMONS

Plaintiff,

Defendant designates Kings
County as the place of venue

-against-

JOSE ALBINO and JB HUNT TRANSPORT, INC.,

The basis of venue is:
Plaintiff's residence

Defendants.
-----X

Plaintiff resides at:
1144 E. 103rd Street
Brooklyn, New York 11236

To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this Summons, to serve a Notice of Appearance on the Plaintiff's attorney(s) within 30 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Brooklyn, New York
February 14, 2014

Yours etc.

THE LAW OFFICE OF DAVID A. HOINES, P.C.



BY: LAWRENCE J. EISENBERG

Attorney for Plaintiff

Office and Post Office Address
32 Court Street, Suite 303
Brooklyn, New York 11201
(718) 222-1630

TO: JOSE ALBINO, 81 Fairview Drive, Wethersfield, Connecticut, 06109

JB HUNT TRANSPORT, INC., 1600 S.E. 6th Street, Oklahoma City, OK 73149

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
JEAN-GEVER LORMESTIL,

Plaintiff,

-against-

Index No.:

3345/2014

VERIFIED COMPLAINT

JOSE ALBINO and JB HUNT TRANSPORT, INC.,

Defendants.
-----X

Plaintiff, as and for his Verified Complaint, by his attorney THE LAW OFFICES OF DAVID A. HOINES, P.C., alleges as follows:

FIRST: Plaintiff, JEAN-GEVER LORMERSTIL, resides in the County of Kings, State of New York.

SECOND: Upon information and belief, that on the date and location hereinafter mentioned, Defendant, JB HUNT TRANSPORT, INC. owned a motor vehicle bearing plate registration number 1768516, as issued by the State of Maine.

THIRD: Upon information and belief, that on the date and location hereinafter mentioned, Defendant, JB HUNT TRANSPORT, INC. maintained a motor vehicle bearing plate registration number 1768516, as issued by the State of Maine.

FOURTH: Upon information and belief, that on the date and location hereinafter mentioned, Defendant, JOSE ALBINO, operated a motor vehicle bearing plate registration number 1768516, as issued by the State of Maine with the full knowledge, consent and permission of Defendant, JB HUNT TRANSPORT, INC.

FIFTH: Upon information and belief, that on the date and location hereinafter mentioned, Plaintiff, JEAN-GEVER LORMESTIL, owned and operated a motor vehicle bearing plate registration number FFE6436, as issued by the State of New York.

SIXTH: That all times hereinafter mentioned Clarenton Road and Utica Avenue were public roadways located in the borough of Brooklyn, City and State of New York.

SEVENTH: That on the 1st day of April, 2013, in the vicinity of Clarenton Road and Utica Avenue, Brooklyn, New York, there was contact between the motor vehicle owned and operated by Plaintiff, JEAN-GEVER LORMESTIL and the motor vehicle owned by Defendant, JB HUNT TRANSPORT, INC. and operated by Defendant, JOSE ALBINO.

EIGHTH: That on the 1st day of April, 2013, contact between the motor vehicle owned and operated by Plaintiff, JEAN-GEVER LORMESTIL and the motor vehicle owned by Defendant, JB HUNT TRANSPORT, INC. and operated by Defendant, JOSE ALBINO occurred due to Defendant, JOSE ALBINO negligently and carelessly operating and controlling the motor vehicle owned by Defendant, JB HUNT TRANSPORT, INC. in such a manner as to strike and collide with the Plaintiff's vehicle.

NINTH: That by reason of the foregoing, Plaintiff, JEAN-GEVER LORMESTIL, sustained severe and painful personal injuries, some of or all of which, upon information and belief, are permanent; became sick, sore, lame and disabled; was compelled to submit to medical and hospital treatment; and was disabled and unable to pursue Plaintiff's usual occupation and activities.

TENTH: That as a result of the foregoing, Plaintiff, JEAN-GEVER LORMESTIL suffered serious injuries as defined in Section 5102(d) of the Insurance Laws of the State of New York.

ELEVENTH: That by reason of the foregoing, Plaintiff, JEAN-GEVER LORMESTIL has suffered "serious injury" in that Plaintiff, JEAN-GEVER LORMESTIL has suffered a permanent loss of use of a body organ, member, function or system; permanent consequential limitation of use

of a body organ or member; or a significant limitation of use of a body function or system, and/or Plaintiff, JEAN-GEVER LORMESTIL has suffered "serious injury" in that Plaintiff, JEAN-GEVER LORMESTIL has suffered such injury or impairment which is medically determined and which prevents the injured person, the Plaintiff, JEAN-GEVER LORMESTIL herein, from performing substantially all of the material acts which constitute Plaintiff's usual and customary daily activities for not less than 90 days during the 180 days immediately following the occurrence of the injury or impairment, to wit, the accident herein.

TWELFTH: That by reason of the foregoing, Plaintiff, JEAN-GEVER LORMESTIL has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, it is most respectfully requested that Plaintiff, JEAN-GEVER LORMESTIL herein, have judgment against Defendants, JB HUNT TRANSPORT, INC. and JOSE ALBINO in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Brooklyn, New York
February 14, 2014

Yours etc.
THE LAW OFFICE OF DAVID A. HOINES, P.C.



BY: LAWRENCE J. EISENBERG
Attorney for Plaintiff
Office and Post Office Address
32 Court Street, Suite 303
Brooklyn, New York 11201
(718)222-1630

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)

COUNTY OF KINGS)

) SS:

JEAN-GEVER LORMESTIL, being duly sworn, deposes and says:

I am the Plaintiff in the above entitled action, have read the foregoing Complaint, that same is true to the best of my knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, I believe them to be true.

JEAN-GEVER LORMESTIL

Sworn to before me this
____ day of _____, 2014

NOTARY PUBLIC

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY KINGS

-----X
JEAN-GEVER LORMESTIL,

Index No.:

Plaintiff,

-against-

JOSE ALBINO and JB HUNT TRANSPORT, INC.,

Defendants.
-----X

SUMMONS AND COMPLAINT

THE LAW OFFICE OF DAVID A. HOINES, P.C.

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32 Court Street, Suite #303
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